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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/621,234 07/20/00 HENSHAW

W ZEN-9501-A-R

LOBO & CO LPA  
933 THE LEADER BLDG  
526 SUPERIOR AVE  
CLEVELAND OH 44114-1401

IM62/1130

EXAMINER
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FORTUNA, A

ART UNIT	PAPER NUMBER
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1723

DATE MAILED:

11/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/621,234

Applicant(s)  
Henshaw et al.

Examiner  
Ana Fortuna

Group Art Unit  
1723



☒ Responsive to communication(s) filed on Jul 20, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-14 is/are allowed.

☒ Claim(s) 15 is/are rejected.

☒ Claim(s) 15 is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

☐ Claims \_\_\_\_\_

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1723

1. The reissue oath/declaration filed with this application is defective because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414.

2. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

3. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

4.. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cote et al, or cote et al and Applicant's disclosure. Cote et al. (5,248,424) discloses a system including a reservoir, and a skein of hollow fibers filtering membrane disposed in the reservoir containing a substrate, the membrane s are sealed to the headers, collecting permeate from the hollow fiber lumen through a permeate collection means, a pup connected to the permeate and aeration means as

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claimed (Abstract and Figures 3 and 3A). The length of the fibers is also disclosed, e.g. fibers longer than the distance between separation headers (column 10, lines 43-46). Reference '424 discloses using fibers having a length of 1 m to 5 meters long (100 to 500 cm) (column 16, lines 43-52); and covering each fiber to a depth of about 1 cm to 5 cm with the potting resin forming the headers, therefore, the fibers are larger than the distance between headers in a distance from 2 to 10 % of the length. Regarding the cylindrical skein, reference '424 discloses headers with circular periphery may be constructed (column 18, lines 34-38). Reference '424 fails to disclose placing the skein of hollow fibers in the reservoir in vertical position, parabolic and horizontal arrangements are preferred, however, Fig. 3A shows the hollow fibers in vertical position. Skein of vertically or downwardly arranged hollow fibers are conventional in the art and discussed by '424 (column 9, lines 65-68, column 10, lines 1-2). It would have been obvious to one skilled in the pertinent art at the time the invention was made to arrange the membrane system with the reservoir and the skein of hollow fibers arranged downwardly or vertically within the container.

4. Claims 1-14 are allowed over the prior art of record. Claims 1-14 remain allowed over the prior art of record as stated in the cord (08/690,045).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana Fortuna whose telephone number is (703) 308-3857.

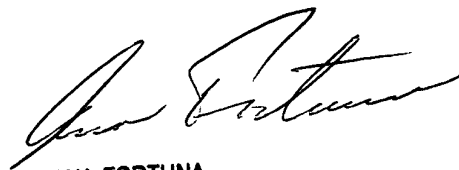
Facsimile No. (703)305-7718.

Ana Fortuna

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November 17, 2000



ANA FORTUNA  
PRIMARY EXAMINER  
GROUP 1300

1723